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I.—THE LATIN PROHIBITIVE.

PART I.

This paper owes its origin to a feeling the writer has long had that certain uses of the Latin perfect subjunctive are very inadequately and, in some particulars, very inaccurately treated in Latin grammars. It is customary, for instance, in dealing with *ne* and the 2d person subjunctive in prohibitions, to dismiss the subject with the statement that when the prohibition is addressed to no definite person, the present tense is used; otherwise the perfect. All attempts—like Gildersleeve's,¹ for instance—to make any further distinction between the tenses have been frowned down. Scholars in general have been inclined to accept the views of Madvig (Opusc. acad. altera, p. 105)² and of Weissenborn (on Livy 21, 44, 6) as final, viz. that the perfect is used, when a definite person is addressed, only because the present cannot be used. The reason for this remarkable state of things they do not trouble themselves to seek. Even Schmalz, in the second edition of his Lat. Synt., §31, would have it understood that the perfect tense in this use has no special significance. Such ignoring of all distinction between tenses is common also in other constructions, e. g. in the so-called potential subjunctive

¹ Latin Grammar, §266, Rem. 2, which is, as far as it goes, in perfect harmony with the results reached in this paper.

² Madvig is inexcusably careless in some of his statements in this connection. On p. 105, e. g., he says that *ne* with the present is *apud ipsos comicos rarissimum et paene inusitatum*. As a matter of fact, it is extremely common *apud comicos*—far more so than any other form of prohibition.

One of the latest grammars (Allen and Greenough, §311) says that in *aliquis dicat* and *aliquis dixerit* the two tenses *refer without distinction* to the immediate future. The same grammar, in dealing with modest assertion, draws no distinction between *putaverim* and *putem*. It is customary, again, to dismiss the perfect subjunctive in prayers with the mere statement that it is a reminiscence of archaic formulae, without a hint that the perfect necessarily means anything. It has seemed to me that this looseness of interpretation is entirely at variance with the facts of the language, and I have accordingly undertaken an investigation of the whole range of those independent constructions of the perfect subjunctive in which that tense deals with future time. I have included also in my investigation such uses of the future perfect indicative as are frequently said to be 'equivalent to the simple future.' For the purposes of the paper I have collected and classified all the instances of the uses concerned that are to be found in all the remains of the Latin language up to the end of the Augustan period (except the later inscriptions), together with important parts of Silver Latin. I ought perhaps to say that for four volumes of the Teubner text I accepted a collection of instances made by one of my students. He is, however, one in whose care and accuracy I have great confidence, and I feel sure that his collection is substantially complete.

That part of my investigation the results of which I have chosen for the present paper deals chiefly with the 2d person, present and perfect tenses, of the subjunctive in prohibitions. For the purpose of simplifying the discussion I shall, for the present, exclude the few cases (commonly called prohibitions and classed under *ne* with the subjunctive) introduced by *nec*, *numquam*, *nihil* (e. g. *nec dixeris*, *nec putaveris*). There are so serious objections to explaining any one of those introduced by *nec* (*neque*) in the best prose-writers, and some of those introduced by *nihil*, *numquam*, as instances of the same construction as that found in *ne feceris*, that I shall leave the discussion of such cases for Part II of my paper.

The impression is very generally given that *ne* with the perfect subjunctive is one of the most common methods of expressing prohibition in the best classical prose. As a matter of fact, it is almost entirely unknown to such prose. It will be understood, of course, that the Letters of Cicero do not represent the usage of what is understood by 'classical prose.' Tyrrell has clearly

shown that the diction and constructions in the Letters are the diction and constructions of the early comic drama, and not at all those of what is commonly meant by Ciceronian Latin. Indeed, Cicero himself calls especial attention to the wide difference in this respect between them and his other productions in *ad fam.* IX 21, 1 *Quid enim simile habet epistola aut iudicio aut contioni?* . . . *Epistolas vero cottidianis verbis texere solemus.* We must not consider these Letters in determining the usage of the best classical prose, any more than we should the usage of early comedy: they, as well as the comedy, reflect the language of familiar every-day life. Throwing the Letters aside, we may say that *ne* with the 2d person perfect subjunctive does not occur in any production, whether prose or poetry, of the whole Ciceronian period, except in seven dialogue passages of Cicero where the tone distinctly sinks to that of ordinary conversation, or unceremonious ordering.¹ If, in addition to these, we except four instances in Horace, we may say that it does not occur between Terence and Livy. It is not to the point to say that a prohibition is in its very nature familiar, nor would such a statement be true. The orations and the philosophical and rhetorical productions of Cicero, as well as the productions of other writers belonging to the same period, abound with prohibitions. The orations of Cicero alone contain 81 prohibitions (or probably twice this number if we count such expressions as *quaeso ne facias, obsecro ne*, etc.), and still in his orations no instance can be found of *ne* with the perfect subjunctive except in *pro Murena* 31, where Cicero is quoting the supposed words of a teacher to his pupil.

Again, the grammar-rule which says that the present tense is used when the prohibition is general, i. e. addressed to no one in particular, while the perfect is used when it is addressed to some particular person, or persons, is entirely misleading in the form in which it is given. The grain of truth which the rule contains is rendered useless by the absence of any hint as to the principle involved. Sometimes general prohibitions take the perfect tense, e. g. *Cato de agri cultura* 4 *ne siveris*; 37, 1 *ne indideris*; 45, 2 *ne feceris*; 93 *ne addideris*; 113, 2 *ne siveris*; 158, 2 *ne addideris*; 161, 2 *ne sarueris*; XII *Tabulae*, quoted in *Serv. in Verg.*

¹ There is no manuscript authority whatever for *ne siris* (*Catullus* 66, 91). The manuscript reading *non siris* is the true one. This matter will be fully discussed in Part II of my paper.

Ecl. 8, 99 Unde est in XII tabulis: "Neve alienam segetem pellexeris"; Cic. pro Murena 31, 65 Etenim isti ipsi mihi videntur vestri praeceptores et virtutis magistri, fines officiorum paulo longius, quam natura vellet, protulisse . . . "Nihil ignoveris": immo aliquid, non omnia. "Misericordia commotus ne sis": etiam, in dissolvenda severitate: sed tamen est laus aliqua humanitatis (quoting general precepts of the '*vestri praeceptores*', which had just been mentioned. Notice the singular verb side by side with *vestri* (instead of *tui*), which seems to show that the prohibition is general); Hor. Sat. 2, 2, 16 Quae virtus et quanta, boni, sit vivere parvo discite . . . hic inpransi mecum disquirite. Cur hoc? Dicam, si potero . . . seu pila velox . . . seu te discus agit . . . sperne cibum vilem; nisi Hymettia mella Falerno *ne biberis* diluta. On the other hand, it is probable that prohibitions addressed to definite persons occasionally take the present tense at all periods of the literature, and that this use is not, even in classical times, confined to poetry, as is commonly supposed. At any rate, there are passages in prose which it requires ingenuity or violence to explain in any other way, and which, if found in Plautus or Terence, no one would have thought of explaining in any other way. This use is very common in early comedy, and I have collected the following instances from Cicero and later prose: Cic. in Verr. II 4, 23, 52 Scuta si quando conquiruntur a privatis in bello ac tumultu, tamen homines inviti dant, etsi ad salutem communem dari sentiunt. *Ne* quem *puletis* sine maximo dolore argentum caelatum domo quod alter eriperet protulisse; ib. de republica 6, 12, 12 "St! quaeso," inquit, "*ne* me e somno *excitetis* et parumper audite cetera" (where the imperative '*audite*' instead of a subordinate subjunctive makes it probable that *ne excitetis* is also independent); id. ad fam. 1, 9, 23 Quod rogas, ut mea tibi scripta mittam, quae post discessum tuom scripserim, sunt orationes quaedam, quas Menocrito dabo, neque ita multae; *ne pertimescas*; ib. 16, 9, 4 Reliquom est, ut te hoc rogem et a te petam: *ne* temere *naviges*—solent nautae festinare quaestus sui causa—cautus sis, mi Tiro—mare magnum et difficile tibi restat—si poteris, cum Mescinio (*naviges*)—caute is solet navigare (where *cautus sis* and the form taken by the rest of the sentence show that *ne naviges* also is probably independent); id. ad Att. 9, 18, 3 "Tu malum," inquires, "actum *ne agas*" (a proverb applied here to a particular person); id. ad Quintum fratrem 1, 4, 1 Amabo te, mi frater, *ne* . . . *adsignes* (Cicero never uses

amare in this sense with a dependent clause, though its parenthetical use is common in his Letters with independent imperative constructions, e. g. ad Att. 2, 2, 1 *cura, amabo te, Ciceronem*; ib. 16, 16*c* *Amabo te, da mihi et hoc*; ib. 10, 10, 3; ad Quint. 2, 8, [10])¹; Phil. II 5, 10 *ne puletis* (most naturally taken as independent); Livy 44, 22 *Vos quae scripsero senatui aut vobis habete pro certis. Rumores credulitate vestra ne alatis, quorum auctor nemo exstabit* (This, or some reading which involves the same construction, seems inevitably correct, and would undoubtedly be accepted by everybody were it not for the supposed rule); ib. 22, 39, 2 *Armatus intentusque sis, neque occasioni tuae desis neque suam occasionem hosti des* (Livy and later writers freely use *neque* for *neve*); Tac. Dialogus 17 *Ex quo colligi potest et Corvinum ab illis et Asinium audiri potuisse (nam Corvinus in medium usque Augusti principatum, Asinius paene ad extremum duravit). Ne dividatis saeculum, et antiquos ac veteres vocitetis oratores quos eorundem hominum aures adgnosceret ac velut coniungere et copulare potuerunt.* It was formerly customary among editors of the Dialogus to punctuate this sentence as above. Recent editors use only a comma or a semicolon before *ne dividatis*, understand an ellipsis (i. e. *Haec dico ne*, etc.), and thus make Tacitus use a very awkward sentence. Why make this so difficult? Why not let it be what it seems to be on the face of it, namely, a prohibition?

Here, then, are several instances in prose of the present subjunctive with *ne* addressed to a definite person. The reason why it is not more common will appear later on in this discussion. But even if none of these examples existed (and there have been ingenious attempts to explain away most of them in deference to the supposed rule), there would still be no ground for such a rule. In the whole field of classical prose from the beginning of the Ciceronian period to the end of the Augustan period, and even later, there is but a single example of *ne* with the indefinite 2d person present subjunctive in a prohibition. There are a few examples from poetry, but these have no bearing upon the point in question, as it is everywhere acknowledged that *ne* with the present is common in poetry even in addressing a definite person. The single example just referred to is of course the one cited under this rule, with suspicious uniformity, by all Latin gram-

¹ Even in Plautus and Terence *amabo* in this sense is almost invariably thrown in parenthetically.

mars, viz. Cic. Cato Maior 10, 33, though even here it might be noticed that Cato is speaking to definite persons, addressing at one time Scipio individually, again Laelius, and still again both together. The truth is that a general prohibition in Latin is nearly always expressed by the use of the 3d person, e. g. *ne quis putet*, etc., or some circumlocution introduced by *cavendum est ne*, or the like. It will, I think, be admitted that the above considerations at least cast serious doubt upon the validity of the grammar-rules regarding the use of *ne* in prohibitions. The question as to the true distinction between the tenses in such constructions seems to me to be still an open one, and this paper is intended as a contribution to its solution.

Let us start with certain general principles. All will agree that the perfect subjunctive, when dealing with a future act, differs, at least in some uses, from the present in representing the act as one finished in the future. For instance, in the expression *si venerit, videat* the act of coming is conceived of as a finished act in the future, about to be completed prior to the beginning of the act of seeing. In *si veniat*, on the other hand, the act is conceived of as in progress in the future. Such a distinction between the tenses of *ne feceris* and *ne facias* would not be entirely satisfactory at all points of the parallel. *Ne feceris* cannot mean literally 'Do not prior to a certain point in the future, have done it.' In one respect, however, the distinction, it seems to me, still holds. In *ne feceris* there is at least no thought of the progress of the act. The expression deals with an act in its entirety. The beginning, the progress and the end of the act are brought together and focussed in a single conception. The idea of the act is not dwelt upon, but merely touched, for an instant, and then dismissed. The speaker, as it were, makes short work of the thought. There is a certain impetus about the tense. When a man says *ne facias* he is taking a comparatively calm, dispassionate view of an act conceived of as one that will possibly *be taking place* in the future; *ne feceris*, on the other hand, implies that the speaker cannot abide the thought; he refers to it only for the purpose of insisting that it be dismissed absolutely as one not to be harbored. As far as the comparative vigor of the two expressions is concerned, the difference in feeling between them is similar to that between 'Go!' and 'Be gone!' 'Go' dwells upon the progress of the act. A man never says 'Be gone!' except when aroused by

strong emotion, which does not allow him to think of the progress of the act, but only the prompt accomplishment of it. In a similar way *ne feceris* betrays stronger feeling than *ne facias*—it disposes of the thought with the least possible ado. The same distinction should be made between *cave feceris* and *cave facias*. This feature of the tense, if my characterization of it is correct, would lead us to expect it to be used only, or chiefly, in animated, emotional, or unusually earnest discourse, and to such passages, as we shall presently see, is it almost exclusively confined. I wish to insist upon this as the only real distinction between the two tenses with *ne*. We shall now, of course, expect that in the majority of cases where a prohibition is a general, indefinite one, the present tense will be found. When a man is soberly philosophizing and writing precepts for the world at large, he is not often aroused by emotions so strong as he is when, actually face to face with a person and perhaps under the influence of anger, alarm or some other intense feeling, he orders that person not to do a certain thing. But even in this sort of writing, when he feels that his precept is of prime importance, he may occasionally fall into the more vigorous form of expression. For the satisfactory study of such expressions we look for some production abounding in general precepts, and still not written in the form of dialogue and not addressed to any one in particular. Naturally we turn to Cato's *de agri cultura*. In the seven different passages of this work cited above, Cato uses *ne* with the perfect in a general prohibition. In each case the context makes it probable, or, in the light of facts which I shall present later, practically certain, that he considers of especial importance the particular thing prohibited, e. g. ch. 4, where he is trying to show how a farmer may live happy and prosperous: *ruri si recte habitaveris, libentius venies: fundus melior, minus peccabitur, fructi plus capies. Frons occipitio prior est: vicinis bonus esto: familiam ne siveris peccare. Si te libenter vicinitas videbit, facilius tua vendes, operas facilius locabis etc.*, i. e. '*above all things, do not allow* the members of your household to offend them. If you keep on good terms with your neighbors, you will find it easier to sell your produce,' etc.; again, 37, 1: 'If you are dealing with land that is *cariosa*, peas are a bad crop to put in; so are barley, hay, etc.; *above all things, do not put in nuts (nucleos ne indideris).*' Everywhere else in his treatise he uses the less vigorous forms of prohibition, sometimes *nolo* with the infinitive, sometimes *ne* with the

2d imperative, sometimes *caveto* with the present tense of the subjunctive. He never uses the perfect tense with *caveto*, though this tense with *cave* is far more common in Plautus than the present. The present tense, on the other hand, occurs in Cato 17 times.

By far the best place to study the difference in meaning between the two tenses is in Plautus and Terence, because in them (and only in them) both tenses are very freely used with *ne* and *cave* in prohibitions. It is there, too, that the tone of the prohibition can best be determined, because the dramatic action makes clear the feeling of the speaker. I give below classified lists of all the passages in Plautus and Terence containing prohibitions of this sort.¹ In studying these lists, there are certain considerations which should be kept constantly in mind. In all but a comparatively few cases, the distinction I have drawn between the perfect and the present tenses will be very clear. But of course some instances, both of the perfect and of the present, will be found near the border-line. In some cases where the speaker is moved by only slight emotion, one tense would be as appropriate and natural as the other. Again, a speaker may be somewhat aroused while still under perfect self-control and realizing the advisability of calm language. On the other hand, a speaker may be really very calm, while wishing, for certain purposes, to seem very indignant. We should also bear in mind a natural tendency to unceremoniousness and a vigorous off-hand style in every-day conversation between friends and in the language of superiors to inferiors. If we keep in mind these considerations, a comparison of the following lists will, I think, inevitably lead to the conclusion that the distinction I have drawn is the true one.

There are in Plautus and Terence 31 instances of *ne* with the perfect subjunctive. In nearly all of these the feeling of strong emotion of some sort—e. g. great alarm, fear of disaster if the prohibition is not complied with, or the like—is very prominent. Many of them are accompanied by other expressions which betray the speaker's earnestness, e. g. *per deos atque homines*, *opsecro*, *hercle*, etc. And there is not one of them in the least inconsistent with my explanation of the meaning of the tense. Plautus has this construction in the following passages²: Am. 924

¹ I was surprised to find no instance of this use in the tragedies of Seneca, who, I believe, uses only *ne* with the imperative (or *vide ne* with the subjunctive) in prohibitions.

² I have not thought it necessary for my present purpose to make a separate class of such aorists as *dixis*, *parsis*, etc.

Per dexteram tuam te, Alcumena, oro, opsecro te, da mi hanc veniam, *irata ne sies* (evidently here the perfect of *irascor*. The fact that this verb is inchoative in form does not militate against the principle I have laid down, as it is seldom inchoative [never so, if we may trust Harpers' Dict.] in meaning. It commonly means to *feel angry*. When the beginning of the act is referred to *incipio*, or a verb of similar meaning is used with it, e. g. ad Att. 4, 1, 8 *incipiunt irasci*. Inchoative verbs are not found in this construction); Miles 283 Sc. Nescis tu fortasse, apud nos facinus quod natumst novom. PAL. Quod id est facinus? Sc. Impudicum. PAL. (not wanting to hear such news) Tute sci soli tibi: Mihi *ne dixis*. Notice the many indications of earnest feeling: *Tute* (*tu* alone even would have been emphatic) *soli tibi*, and all sharply contrasted with *mihi*; ib. 862 Perii: excruciabib me erus . . . Fugiam hercle . . . *ne dixeritis*, opsecro, huic vostram fidem! ib. 1333: Here Philocomasium has just fainted and fallen into the arms of her lover, at the thought of leaving him. All is excitement. One says: Run for some water. The lover exclaims: *ne interveneris*, quaeso, dum respiscit; Rudens 1155 Perii in primo praelio: mane! *ne ostenderis!* Here his possession of the treasure that has been found depends, as he thinks, upon its not being shown; Trin. 521 Per deos atque homines dico, *ne* tu illunc agrum tuom *siris* umquam fieri; ib. 704 (Lysiteles in a quarrel with Lesbonicus, indignant at the suggestion of anything which might reflect upon his character) Id me commissurum ut patiar fieri *ne* animum *induxeris*; ib. 1012 *Ne destiteris* currere (addressed to himself in fear of a flogging. All his words at this point indicate hurry and alarm); Asin. 839 SON (in a tone of earnest deprecation, in answer to his father's taunt): *Ne dixis* istuc. FATHER: *Ne sic fueris*: ilico ego non dixero; Curc. 599 PLANESIUM (to Phaedomus, in great fear lest the parasite escape with the stolen ring) . . . propera! . . . Parasitum *ne amiseris!* Pseud. 79 Id quidem hercle *ne parsis!* Most. 1083 THEOPROPIDES (angry, and resolved to punish Tranio, trying to get him away from the altar, where he had taken refuge): Surge . . . *ne occupassis*, opsecro, aram . . . surgedum hinc . . . surge: *ne* nugare. Aspicendum; Men. 415 *Ne feceris!* periisti, si intrassis intra limen; ib. 617 PE. (during an angry dispute) At tu *ne* clam me *commissis* prandium. ME. Non taces? PE. Non hercle vero taceo; Epid. 150 (in answer to Stratippocles' intimation that he would commit suicide) *ne feceris!* ib. 593 PER. Si hercle

te umquam audivero me patrem vocare, vitam tuam ego interimam. FID. Non voco . . . *ne fueris* pater; Poen. 552 (the lawyers, speaking with professional decisiveness and importance) Nos tu *ne curassis!* scimus rem omnem. The tone assumed here by the speakers may be inferred from the fact that they have just been accused of speaking with too much anger (cf. vs. 540 nimis iracundi estis); ib. 990 *ne parseris*; Aul. 100 (Euclio having a large amount of gold concealed in his house, is constantly alarmed lest it be stolen. He bids his servant again and again not, under any circumstances, to let any one enter the house) Si bona Fortuna veniat, *ne intromiseris!* ib. 577 EUC. (still in fear of losing his treasure) *Ne* in me *mutassis* nomen! ib. 737 LYC. (upon Euclio's threatening him with death) *Ne* istuc *dixis!* ib. 790 *Ne* me uno digito *adtigeris*, ne te ad terram, scelus, adfligam! Cas. 2, 6, 52 ST. Praecide os tu illi! Age! CLE. (trying to prevent a fight) *Ne obiexis* manum! Cist. 1, 1, 111 Silenium (speaking of her lover, with great depth of feeling that moves her hearers to tears [vs. 113]) sed, amabo, tranquille; *ne* quid, quod illi doleat, *dixeris!* The following seems near the borderline, one tense being as appropriate as the other: Merc. 396 ne duas *neu* te advexisse *dixeris*.

Terence has only two instances of *ne* with the perfect: Phorm. 514 Unam praeterea horam *ne oppertus sies*. The speaker is fairly beside himself throughout this scene, which sufficiently accounts for the more emotional form of expression. Ib. 742 (alarmed by fear lest his treachery be discovered) *Ne* me istoc posthac nomine *appellassis*.

The same feeling that prompts the use of the perfect tense in the passages just cited, explains the use of the same tense in prohibitions introduced by *cave*. Plautus and Terence present 33 instances of *cave* with the perfect: Plaut. Am. 608; Miles 1125; 1245; 1368; 1372; Trin. 513; 555; Asin. 256; 467; 625; Bacch. 402; 910; 1188; Stich. 284; Most. 388; 508; 795; Men. 996; Epid. 400; 434; Merc. 112; 476; Poen. 1020; Aul. 90; 600; 610; Persa 388; 933; Cas. II 5, 24; Ter. And. 753; 760; Haut. 187; Adelph. 458.

If now we turn to *ne* and *cave* with the present subjunctive we find a very different state of things. There are in Plautus and Terence more than 100 instances of *ne*, and 18 (19?) instances of *cave*, in this form of prohibition, as will be seen by consulting the following list: Am. 87 (Prologue addressing the audience) Mirari

nolim vos, quapropter Juppiter nunc histriones curet. *Ne miremini*¹: ipse hanc acturust Juppiter comoediam; ib. 116 (still addressing the audience) *Ne* hunc ornatum meum *admiremini*; Capt. 14 Ego me tua causa, *ne erres*, non rupturus sum (probably *ne* here means 'lest'); ib. 58 (Prologue) *Ne vereamini*, quia bellum Aetolis esse dixi cum Aleis; ib. 186: The parasite (replying to Hegio, who has good-humoredly warned him not to expect too much at his table): Numquam istoc vinces me, Hegio: *ne postules* cum calceatis dentibus veniam; ib. 331 Filius meus apud vos servit captus: eum si reddis mihi, praeterea unum nummum *ne duis*; ib. 349 Nec quemquam potes mittere ad eum quoi tuom concedat filium audacius. *Ne vereare*: meo periculo ego huius experiar fidem; ib. 393 Istuc *ne praecipias*, facile memoria memini; ib. 854 Nec nihil hodie nec multo plus tu hic edes, *ne frustra sis*; ib. 947 At ob eam rem mihi libellam pro eo argenti *ne duis*: gratiis a me ducito; ib. 957 Fui . . . bonus vir numquam neque frugi bonae neque ero umquam: *ne* spem *ponas* me bonae frugi fore; Miles 1215 Py. Libertatem tibi ego et divitias dabo, si impetras. PA. Reddam impetratam . . . At modice decet. *Ne sis cupidus*; ib. 1274 Viri quoque armati idem istuc faciunt: *ne* tu *mirere* mulierem; ib. 1360 PA. Muliebres mores discendi. Py. Fac sis frugi. PA. Iam non possum: amisi omnem lubidinem. Py. I, sequere illos: *ne morere*; ib. 1378 *Ne me moneatis*: memini ego officium meum; ib. 1422 Aliter hinc non ibis: *ne sis frustra*; Rud. 941 Nil habeo, adulescens, piscium: *ne* tu mihi esse *postules*; ib. 968 GR. Hunc homo nemo a me feret; *ne* tu te *speres*. TR. Non ferat, si dominus veniat? GR. Dominus huic, *ne* (probably = 'lest') *frustra sis*, nisi ego nemo natust, hunc qui cepi in venatu meo; ib. 992 Quod in mari non natumst neque habet squamas *ne feras*; ib. 1012 Hinc tu nisi malum frunisci nil potes, *ne postules*; ib. 1368 Ut scias gaudere me, mihi triobulum ob eam *ne duis*; ib. 1385 Quod servo meo promisisti, meum esse oportet. *Ne* tu, leno, *postules*; ib. 1390 DAE. Opera mea haec tibi sunt servata: (GR. Immo hercle mea, *ne* tu tua *dicas*); ib. 1414 nihil hercle hic tibi, *ne* tu *speres*; Trin. 16 (Prologue, to audience) de argumento *ne expectetis* fabulae; ib. 267 Apage sis amor. Amor, amicus mihi *ne fuas* umquam; ib. 370 PH. . . . quid dare illi nunc vis? LU. Nil quicquam, pater: Tu modo *ne* me *prohibeas* accipere, siquid det mihi; Bacch. 747

¹ Some of these might be explained as final clauses ('that you may not be surprised,' I make the following statement, etc.).

... quod promisisti mihi te quaeso ut memineris, *ne illum verberes* (probably a dependent clause); ib. 758 ... ubi erit adcubitum semel, *ne quoquam exurgatis*, donec a me erit signum datum; Curc. 183 PA. Quin tu is dormitum? PH. Dormio: *ne occlames*; ib. 213 Si amas, eme: *ne rogites*; ib. 539 *Ne mihi te facias ferocem aut supplicare censeas*; ib. 565 Nil aput me quidem. *Ne facias testis*: neque equidem dehibeo quicquam; ib. 568 Vapulare ego te vehementer iubeo: *ne me territes*; ib. 713 Non ego te flocci facio; *ne me territes* (the feeling in such cases is not that the failure to comply with '*ne territes*' will be disastrous to me, but that it will do you no good to try to frighten me); Ps. 275 ... scimus nos te qualis sis: *ne praedices*; ib. 1234 Sequere tu. Nunc *ne expectetis*, dum domum redeam; Stich. 320 Tua quod nil refert, *ne cures*; ib. 446 ... id *ne vos miremini*, homines servolos potare etc.; Most. 598 Pater advenit ... is tibi et faenus et sortem dabit. *Ne inconciliare nos porro postules*; ib. 611 TRA. Huic debet Philolaches paulum. THEOP. Quantillum? TRA. Quadraginta minas. THEOP. Paulum id quidemst? TRA. *Ne sane id multum censeas*; ib. 799 Ergo inridere *ne videare* et gestire admodum; ib. 994 Ad cenam *ne me te vocare censeas*; ib. 1010 THEOP. Minas tibi octoginta argenti debeo. SI. Non mihi quidem hercle: verum si debes, cedo. ... *Ne ire initias postules*; Men. 327 *ne quo abeas* longius ab aedibus; ib. 790 Quid ille faciat, *ne id observes*; Epid. 147 EP. A quo trapezita peto? STRAT. Unde lubet. Nam ni ... (prompteris), meam domum *ne inbitas*; ib. 305 *Ne abitas*, priusquam ego ad te venero; ib. 339 [hoc quidem iam periit, *ne quid tibi hinc in spem referas* (perhaps dependent)]; Merc. 164 CHAR. Quid istuc est mali? ACAN. *Ne rogites*; ib. 318 DEM. Ne me obiurga. LYS. ... non obiurgo. DEM. At *ne deteriolem* hoc facto *ducas* (there seems to be slight emotion here; either tense would seem appropriate); ib. 396 *Ne duas* neu te advexisse dixeris (this, like the passage just cited (vs. 318), seems on the border-line. The speaker is really very earnest, but is, as shown by the general situation, anxious not to appear too much so, lest his real motive be guessed. The sudden change of tense, then, is not surprising); ib. 457 Ad portum *ne bitas*, dico iam tibi (perhaps dependent); ib. 520 Nunc, mulier, *ne tu frustra sis*, mea non es; *ne arbitrere*; Poen. 520 *Ne tuo nos amori servos esse addictos censeas*; ib. 526 *Ne tu opinere* (perhaps dependent); ib. 536 Est domi, quod edimus, *ne nos tam contemptim conteras*

(perhaps dependent upon 'I say this,' understood); ib. 1152 Audin tu, patruē? Dico, *ne* dictum *neges* (perhaps dependent); ib. 1370 *Ne mirere*, mulieres, quod eum sequuntur; Aul. 166 Verba *ne facias*, soror; ib. 231 EUCL. At nihil est dotis quod dem. MEG. *Ne duas*, dum modo morata recte veniat, dotatast satis. EUCL. Eo dico, *ne* me thensauros repperisse *censeas*. MEG. Novi; *ne doceas*; ib. 350 Sunt igitur ligna, *ne quaeras* foris; Persa 141 Numquam hercle hodie hic prius edis, *ne frustra sis*; Truc. 477 *Ne expectetis*, spectatores, meas pugnas dum praedicem; ib. 658 *Ne* me morari *censeas*; ib. 744 Res ita est, *ne frustra sis*; Cas. Prol. 64 (to audience) *Ne expectetis* etc.; ib. II 6, 42 *Ne* a me *memores* malitiose de hac re factum, aut *suspices*; Cist. II 3, 16 Nam illaec tibi nutrix est: *ne* matrem *censeas*; ib. V (to audience) *Ne expectetis*, spectatores etc. In Capt. 548 Hegio, hic homo rabiosus habitus est in Alide: *ne* tu quod istic fabuletur auris *inmittas* tuas, and in Miles 1363 (1351) PA. Si forte liber fieri occeperim mittam nuntium ad te: *ne* me *deseras*, there seems to be a certain amount of emotion, but it will be noticed that in each case the speaker is addressing a superior. In the former case, too, the speaker is anxious to appear calm and undisturbed. Furthermore, *ne* might well be taken here in the sense of 'lest.' In the other passage, the slave who is speaking does not even mean what he says. He is really glad that he is going, and never wants to see again the master whom he is addressing. In the light of this fact, *ne deseras* seems cool irony. The stereotyped formula *ne molestus sis* occurs in Plaut. Asin. 469; Ps. 118; 889; Most. 74; 572; 757; 863; 871; Men. 251; Aul. 450; but in nearly all of these instances it might be taken as dependent upon some other verb expressed or understood. In any case, one must not look for strong emotion in so commonplace a phrase. *Ne* with the present subjunctive occurs in Terence in the following passages: And. 704 Huic, non tibi, habeo, *ne erres* (perhaps dependent); ib. 706 Dies hic mihi ut satis sit vereor ad agendum: *ne* vacuum esse me nunc ad narrandum *credas*; ib. 980 (to audience) *Ne expectetis* dum exeant huc; Eun. 76 Quid agas? nisi ut te redimas captum quam queas minimo: . . . et *ne* te *adflictes*; ib. 212 Ego quoque una pereor, quod mihi est carius: *ne* istuc tam iniquo *patiari* animo; ib. 273 GN. Quia tristis es. PA. Nihil quidem. GN. *Ne sis*; ib. 388 Si certumst facere, faciam: verum *ne* post *conferas* culpam in me; ib. 786 Sane quod tibi

nunc vir videatur esse hic, nebulo magnus est: *ne metuas*; ib. 988 Ere, *ne me spectes*: me impulsore haec non facit; Haut. 745 Sy. Ancillas . . . traduce huc propere. Dr. Quam ob rem? Sy. *Ne quaeras*; Phorm. 419 "Actum" aiunt "*ne agas*"; Hec. 342 Non visas? *Ne mittas* quidem visendi causa quemquam; Adelph. 22 *Ne exspectetis* argumentum fabulae. In Phorm. 508 Heia, ne parum leno sies, the *ne*-clause is rightly explained by editors as dependent 'Look out there, lest,' etc. Besides these, there are five instances of *ne attigas* which will call for comment later.

Cave with the present tense of the subjunctive occurs as follows: Plaut. Capt. 431; 439; Most. 797; 1012; Epid. 432; Persa 52; 812; Cas. III 1, 16; Poen. 117; Ter. Eun. 751; Haut. 302; 826 (?); Phorm. 993; Adelph. 170.

There are certain remarkable differences between the prohibitions in this latter list (expressed by the present tense) and those in the former list (expressed by the perfect) which a casual observer might not notice. If my distinction between the two tenses is correct, we should expect that a prohibition dealing with mere mental action, e. g. 'Do not suppose,' 'Do not be surprised,' 'Do not be afraid,' would commonly take the present tense, because such prohibitions would not commonly be accompanied by strong emotion, and, as far as the interests of the speaker are concerned, it matters little whether the prohibition be complied with or not. Such a condition of things is exactly what we find. Among the instances of *ne* with the perfect tense, not a single example of a verb of this class will be found; but among those of *ne* with the present there are no less than 31 instances of such verbs, or nearly a third of the entire number. Again, such prohibitions as 'Do not ask me,' 'Do not remind me' (i. e. I know already), would not ordinarily imply any emotion, and no such verbs will be found among the instances of *ne* with the perfect.¹ But there are 13 such verbs among the instances of the present. Substantially the same holds true for the *cave*-constructions. Among the 33 instances of *cave* with the perfect there is no instance of a verb belonging to any of these classes. There is no avoidance of such verbs with *cave* used with the present

¹ The nearest approach to an exception is *iratus ne sies* (Plaut. Am. 924), which seems here to be the perfect tense of *irascor*. Here there is an additional idea of venting one's anger, which removes it, strictly speaking, from the class referred to.

tense (in spite of the fact that there are only about half so many instances of the present as of the perfect), e. g. Ter. Phorm. 993; Haut. 826 (*admiratus* here probably used adjectively, as in ad Att. 9, 12, 2 and Off. 2, 10, 35); Plaut. Asin. 372; Capt. 431 (?); or with *noli* (though *noli* is comparatively rare in Plautus and Terence), e. g. Plaut. Persa 619; Capt. 845; Ter. Phorm. 556; or with *ne* followed by the imperative, a construction which occurs 33 times in Plautus and Terence with such verbs (out of a total of 84 instances): Plaut. Am. 674; 1064; 1110; Capt. 554; Miles 893; 895; 1011; 1345; Rud. 688; 1049; Trin. 1181; Asin. 462; 638; 826; Curc. 520; Ps. 103; 734; 922; Men. 140; Merc. 172; 873; 879; 993; Cas. 4, 4, 14; Most. 629; Truc. 496; Aul. 427; Persa 674; Ter. And. 543; Adelph. 279; 942; Haut. 85 (*bis*).¹ Outside of Plautus and Terence such verbs occur, in the ante-Ciceronian period, as follows: Cato de agr. cult. 1, 4 *caveto contemnas*; ib. 64, 1 *nolito credere* ('do not believe'); Corpus Inscriptionum Latinarum, I 1445 *credere noli*; ib. 1453 *spernere nolēi*. But nowhere in this whole period is such a verb to be found in the perfect tense in a prohibition. Why this mysterious absence of all such verbs from this one sort of prohibition? Recurring to the instances of the present tense in Plautus and Terence, we notice that in 11 of the passages the prologue, or some one else, is calmly addressing the audience with 'Do not expect me to disclose the plot of the play,' or some prohibition equally calm. But there is not one instance in the prologues either of Plautus or Terence of the

¹ It will be noticed that in Plautus and Terence more than one-third of the verbs in prohibitions expressed by *ne* and the imperative are verbs of fearing (22 of the 33), thinking, asking or advising. Of the remaining verbs, a large proportion are verbs of saying and weeping. A similar state of things prevails in Vergil, who uses this construction 27 times. In 12 of these the verbs belong to the classes just mentioned. All this is interesting in connection with the much-mooted question regarding the relative harshness in Greek of *μή* with the present imperative and *μή* with the aorist subjunctive. See Dr. Miller's paper on the Imperative in the Attic Orators, A. J. P. XIII 424. In Latin, *ne* with the perfect subjunctive is harsher than *ne* with the imperative, the latter corresponding rather closely in this respect with *ne* and the present subjunctive. Both of these last-mentioned constructions, however (*ne* with imperat. and *ne* with pres. subj.), smacked somewhat of the same familiar feeling as their sister construction. *Noli* was far more deferential, and Cicero, when he wished to soften the tone of his address, accordingly preferred that form of prohibition.

perfect tense in prohibition. And this again is exactly what we should expect. (It matters little for our present purpose whether Plautus wrote the prologues to his plays or not.) In general the fact may be emphasized that *ne* with the present is chiefly confined to prohibitions of the most commonplace sort. Where this is not apparent from the nature of the verb itself, a study of the context will show that the speaker is not under the influence of any strong emotion. There are in all only 5 instances (a small number out of so many) which can fairly be said to be accompanied by decided emotion, and in each case, strangely enough, the verb is *attigas*, viz. Plaut. Bacch. 445; Most. 453; Epid. 721; Truc. 273; Ter. And. 789. I cannot account for this strange exception, unless one accepts Curtius' suggestion that *attigas* is an aoristic form (Stud. V 433). The few additional passages that might apparently be construed as exceptions have been commented upon under the citation.

Whatever differences of opinion may be held regarding individual instances in the two lists above given, I feel sure that no one who studies them carefully can resist the general conclusion to which I have come. If, now, the distinction I have drawn between the two tenses holds so clearly for the only two authors who make frequent use of *ne* with the subjunctive in prohibitions, a strong presumption is established in favor of a similar distinction in the few instances to be found in later writers, where there are not always so many indications at hand, as in dramatic productions, to make clear the feeling of the writer. And a study of these instances confirms the presumption. There are in classical prose, from the beginning of the Ciceronian period up to near the end of the Augustan period, only seven instances of *ne* with the perfect in prohibition, and these are all in Cicero. As pointed out above, each of these occurs in dialogue where the tone sinks to that of ordinary conversation, in which some one is delivering himself of an earnest, energetic command. One is naturally more unceremonious in addressing a familiar friend than in addressing a mere acquaintance: he falls more readily into energetic forms of expression. Often he assumes an off-hand, imperious tone in such cases merely as a bit of pleasantry. This would be especially natural when one was urging his friend not to do what he feared that friend might do—namely, in prohibitions. One can hardly fail to notice this tone at any talkative gathering of intimate friends. Let us examine now more care-

fully the seven instances referred to: de div. 2, 61, 127 (a supposed command of a god to a man) hoc *ne feceris!* de rep. 1, 19, 32 Si me audietis, adulescentes, solem alterum *ne metueritis!* de leg. 2, 15, 36 (Atticus, replying sharply to Marcus) Tu vero istam Romae legem rogato: nobis nostras *ne ademeris!* Ac. 2, 40, 125 (in conversation with Lucullus at a familiar gathering of friends) Tu vero ista *ne asciveris neve fueris* commenticiis rebus adsensus! Tusc. disp. 1, 47, 112 (replying in a deprecatory tone to a suggestion that has just been made) Tu vero istam *ne reliqueris!* pro Mur. 31, 65 (quotation from the supposed command of a teacher to his pupil) misericordia *commotus ne sis!* (though *sis* alone might be looked upon as the verb here, in which case the construction would belong to the other class); Par. Sto. 5, 3, 41 (in a vigorous protest) tu posse te dicito, debere *ne dixeris.* An unusually earnest and energetic tone is to be found in each one of these. Notice, for instance, the strongly contrasted pronouns and the other indications of strong feeling. The reason why this construction is so rare in classical productions is that they are, for the most part, of a very dignified character. The prohibitions they contain are therefore commonly expressed by *noli* with the infinitive (a construction that occurs 123 times in Cicero, twice in Nepos, three times in Sallust, three times in Caesar), or by *cave* with the present subjunctive (30 times in Cicero, once in Nepos, once in Sallust), or by *vide ne* with the subjunctive (18 times in Cicero, once in Nepos). Next to *noli*, the most common form of prohibition in Cicero is, I should say, some circumlocution like *peto, rogo, oro*, etc., followed by *ne* and the subjunctive, but I have made no attempt to collect the instances. Even *ne* with the present subjunctive is less deferential than the constructions just named; it smacks somewhat of its sister construction, and so is comparatively rare. Where, next to the early comedy, do we find the most familiar tone prevailing? One may answer, without hesitation, in the Letters of Cicero. And it is in these Letters that most of the instances of *ne* with the perfect in classical times are found. It is also a significant fact, and one, I think, not hitherto noticed, that all but 2 of the 14 instances here found are addressed to his bosom-friends or relatives: 8 of them to Atticus, 2 to his brother Quintus, and 2 to his intimate legal friend Trebatius, upon whom he was always sharpening his wits and whom he never lost an opportunity to abuse, good-naturedly, to his face. One of the two exceptions is in a very impassioned

passage of a letter written by Brutus to Cicero, ad Brut. 1, 16, 6; the other is in ad fam. 7, 25, 2, where Cicero is enjoining upon Fadius Gallus, in the most urgent terms possible, not under any circumstances to reveal a certain secret. To his other correspondents he uses only *noli* or, in two instances, *cave* with the present subjunctive, e. g. to Servius Sulpicius (ad fam. 4, 4, 3), to Lucius Mescinius (ad fam. 5, 21, 1), to Cornificius (ad fam. 12, 30, 1; 12, 30, 3), to Gallus (ad fam. 7, 25, 1; 7, 25, 2), to Brut. 1, 6 twice; 1, 7; 1, 13; 1, 15, 1 twice, etc. Excepting the passionate remonstrance referred to in a letter written by Brutus, the correspondents of Cicero use only *noli* when addressing him, e. g. ad fam. 4, 5, 5; 7, 29; 12, 16, 1. In the treatise ad Herennium, I might add, *ne* never occurs in prohibition, though other forms of prohibition are common, e. g. *noli* in 4, 30, 41; 4, 41, 53 twice; 4, 52, 65; 4, 54, 67; *cave*, or *vide*, *ne* with the present subjunctive in 4, 3, 5; 4, 4, 6. Following is a complete list of the instances of *ne* with the perfect in Cicero's Letters, nearly all of which show great earnestness, either real or assumed: ad Att. 2, 5, 1 Etiam hercule est in non accipiendo non nulla gloria: qua re si quid Θεοφάνης tecum forte contulerit *ne* omnino *repudiaris*; ib. 5, 11, 7 nam illam νομανδρία (?) me excusationem *ne* *acceperis*; ib. 9, 9, 1 Quod vereri videris *ne* mihi tua consilia displiceant, me vero nihil delectat aliud nisi consilium et litterae tuae; qua re fac, ut ostendis: *ne* *destiteris* ad me quicquid tibi in mentem venerit scribere: mihi nihil potest esse gratius (Notice the emphatic position of words, indicative of strong feeling); ib. 10, 13, 1 Epistola tua gratissima fuit meae Tulliae, et mehercule mihi: semper secum aliquam (?) adferunt tuae litterae. Scribes igitur ac, si quid ad spem poteris, *ne* *demiseris*. Tu Antoni leones pertimescas cave; ad Brut. 1, 16, 6 Me vero posthac *ne* *commendaveris* Caesari tuo, *ne* te quidem ipsum, si me audies. Valde care aestimas tot annos, quot ista aetas recipit, si propter eam causam puero isti supplicaturus es; ad fam. 7, 17, 2 Hunc tu virum nactus, si me aut sapere aliquid aut velle tua causa putas, *ne* *dimiseris*; ib. 7, 25, 2 Sed heus tu . . . secreto hoc audi, tecum habeto, *ne* Apellae quidem, liberto tuo, *dixeris*; ad Quint. 1, 4, 5 Sin te quoque inimici vexare coeperint, *ne* *cessaris*; non enim gladiis tecum, sed litibus agetur; ad Att. 1, 9 *ne* *dubitaris* mittere ('Do not for a moment hesitate,' etc.); ib. 4, 15, 6 Veni in spectaculum, primum magno et aequabili plausu—sed hoc *ne* *curaris*; ego ineptus, qui scripserim; ib. 7, 3, 2 Quin nunc ipsum non

dubitabo rem tantam abicere, si id erit rectius; utrumque vero simul agi non potest, et de triumpho ambitiose et de re publica libere. Sed *ne dubitaris* quin, quod honestius, id mihi futurum sit antiquius; ad Quintum fratrem 2, 10, 5 Iocum autem illius de sua egestate *ne sis aspernatus* (Cicero is here speaking of Caesar, which sufficiently accounts for his vigorous tone). In ad Att. 16, 2, 5 Planco et Oppio scripsi equidem, quoniam rogaras, sed, si tibi videbitur, *ne necesse habueris* reddere, we should have expected the present. Here, however, it might be noticed that the first hand of the Medicean manuscript (M), the highest possible manuscript authority and in fact the only authority of much importance, omits the *ne*. In ad fam. 7, 18, 3 Tu, si intervallum longius erit mearum litterarum, *ne sis admiratus*, *sis* is probably the verb, *admiratus* being here used adjectively, as in ad Att. 9, 12, 2 sum admiratus ('I am surprised'), and in Off. 2, 10, 35 ne quis sit admiratus etc.

Most of the instances to be found, in the prose of classical times, of *ne* with the 2d person present subjunctive in prohibitions have been cited earlier in this paper. The following should be added to complete the list: Cic. Cato Maior 10, 33 *ne requiras*; ib. ad Att. 2, 24, 1 *ne sis* (*perturbatus* perhaps here used adjectively, like the following *sollicitus* and *anxius*). There are a large number of other passages that might well be explained as instances of the same use, e. g. ad Att. 14, 1, 2 Tu, quaeso, quicquid novi scribere *ne pigrescere* (which Madvig, Opus. 2, p. 107, and Kühner, Lat. Gram. II, §47, 8, actually explain as independent of *quaeso*); Phil. II 5, 10; pro Cluentio 2, 6 *ne repugnetis* etc. That *ne* with the present subjunctive is not more common in the best prose is due to an increasing fondness for the *noli*-construction. *Ne* with the present was a mild prohibition as compared with *ne* with the perfect, but it was less deferential and respectful than *noli*, and in dignified address *noli* accordingly became the regular usage. In early comedy there was comparatively little call for the more calm and dignified forms of expression, and there accordingly we find that *noli* is comparatively rare. It occurs in Plautus and Terence only in addressing some one who must be gently handled. It is found only where the tone is one of pleading—it never conveys an order, in the strict sense of that word. It is almost never used by a superior in addressing an inferior. In the two or three exceptions to this rule, the superior has some motive for adopting

the mild tone. Those who wish to test the truth of these remarks are referred to the following complete list of the instances of *noli* in Plautus and Terence: Plaut. Am. 520; 540; Capt. 845; Miles 372; 1129; Trin. 627; Asin. 417; Curc. 128; 197; 697; Most. 800; Merc. 922; Poen. 367; 871; 1319; Persa 619; 831; Truc. 664; Cas. II 2, 32; II 6, 35; Cist. I 1, 59; I 1, 109; Ter. And. 385; 685; Phorm. 556; Hec. 109; 316; 467; 654; Adelph. 781.

As regards the different forms of prohibition in classical times, nothing can show more strikingly the difference in feeling between *ne* with the perfect subjunctive and *noli* with the infinitive than a comparison of the classes of verbs found in the two constructions. Of the 123 instances of *noli* in Cicero, 76 of them are used with verbs indicating some mental action, or some action which would be as unlikely to be accompanied by emotion on the part of the speaker, e. g. 'Do not suppose,' 'Do not be afraid,' etc.¹ In the Letters, 21 out of the 32 instances are verbs of this sort. Of the 30 instances of *cave* with the subjunctive, 17 are of this sort.² In the Letters the proportion is 11 out of 18. A glance at the instances above cited of *ne* with the present subjunctive will show that most of the verbs in this construction also belong to the same class. We found the same state of things also in Plautus and Terence. Now, side by side with these facts put the fact that in the whole history of the Latin language, from the earliest times down to and including Livy, there are to be found in prohibitions expressed by *ne* with the perfect subjunctive only two, or at most three, verbs denoting mere mental activity, viz. *ne dubitaris* (Cic. ad Att. 7, 3, 2), *ne metueritis* (de rep. 1, 19, 32), *ne*

¹ Planc. 18, 44; 19, 46; 19, 47; 20, 50; 21, 51; 22, 52; 22, 53; Balb. 28, 64; Pis. 20, 46; 27, 66; Marcel. 8, 25; Ligar. 11, 33; 12, 37; Phil. 2, 28, 69; 7, 8, 25; 12, 6, 14; de or. 2, 47, 194; 2, 61, 250; 2, 66, 268; Brut. 33, 125, 40, 148; nat. deor. 2, 18, 47; Cato 22, 79; Rosc. Am. 24, 67; in Caec. div. 12, 39; Verr. 2, 1, 16, 42; 2, 1, 49, 128 (twice); 2, 2, 11, 29; 2, 2, 51, 125; 2, 3, 5, 11; 2, 3, 46, 109; 2, 4, 5, 10; 2, 4, 51, 113 (twice); 2, 5, 5, 10; 2, 5, 18, 45; 2, 5, 53, 139; de re pub. 1, 41, 65; 2, 3, 7; Orat. prid. quam in exsil. 1, 1; Tusc. disp. 5, 5, 14; imp. Pomp. 23, 68; agr. 2, 6, 16; 2, 28, 77; Mur. 19, 38; 37, 80; Flacc. 20, 48; 42, 105; Sull. 16, 47 (twice); 27, 76; de dom. 57, 146; de harusp. responso 28, 62; ad Att. 1, 4, 3; 2, 1, 5; 5, 2, 3; 6, 1, 3; 6, 1, 8; 8, 12, 13; 9, 7, 5; 12, 9; 13, 29, 2; 15, 6, 2; 16, 15; ad Brut. 1, 13, 2; ad fam. 4, 4, 3; 4, 5, 5; 5, 21, 1; 7, 25, 1; 12, 16, 1; 12, 33; ad Quint. 1, 2, 4, 14; 3, 6, 7 (twice).

² Ligar. 5, 14; 5, 16 (twice); de rep. 1, 42, 65; de leg. 2, 3, 7; Tusc. disp. 5, 7, 19; ad Att. 5, 21, 5; 7, 20, 1; 8, 15, A 2; 9, 9, 4; 9, 19, 1; 10, 13, 1; ad Brut. 1, 15, 1 (twice); ad fam. 7, 6; 7, 25, 2; 9, 24, 4.

curaris (ad Att. 4, 15, 6).¹ The only other verbs (four or five in number) dealing with mental action distinctly involve also other sorts of action. These are *ne sis aspernatus* (ad Quint. fratrem 2, 10, 5), *ne asciveris neve fueris* adensus (Ac. 2, 40, 125), *commotus ne sis* (pro Mur. 31, 65), and *ne repudiaris* (ad Att. 2, 5, 1). There are not so many objections to regarding *nec existimaveris* in Livy 21, 43, 11 as a prohibition as there would be in Ciceronian Latin, though it is extremely doubtful even here. In any case, nothing of the sort should cause surprise in Livy, as he marks the beginning of a general breaking up of the strict canons observed in the best period. Livy (3, 2, 9) even goes so far as to say *ne timete*, which, in prose, would have shocked the nerves of Cicero beyond expression. The almost entire avoidance, until after the Augustan period, of this whole class of verbs expressing mere mental activity in prohibitions expressed by *ne* with the perfect subjunctive, and its remarkable frequency in other forms of prohibitions, can, it seems to me, be explained only in one way. Verbs of this class are, from their very nature, such as would not often be accompanied with passionate feeling, and so are confined to the milder forms of expression. And this, it seems to me, goes far to establish my contention that *ne* with the perfect subjunctive is reserved for prohibitions that are prompted by uncontrollable emotion, or else that are intended to be as vigorous as possible in tone, either, as is generally the case, from some serious motive, or merely as a bit of familiar pleasantry. This tone is commonly one of commanding. Rarely it is one of earnest entreaty, though in such cases the prohibition is commonly introduced by *noli*. *Noli* with the infinitive is the expression best calculated to win the good-will of the hearer, as it merely appeals to him to exercise his own will (i. e. 'Be unwilling'), or to forbear using it; while *ne* with the perfect subjunctive disregards altogether the will of the person addressed, and insists that the will of the speaker be obeyed.

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¹*Ne necesse habueris reddere* (ad Att. 16, 2, 5) is but poorly supported by manuscript evidence. Even if the reading is correct, as seems highly probable, the idea of *reddere* may be said to figure quite as prominently in the prohibition as that of *habueris*. Such expressions as *ne vos quidem timueritis* (Cic. Tusc. Disp. 1, 41, 98), *numquam putaveris* (Sall. Jug. 110, 4) and *nec putaveris* (Cic. Acad. 2, 46, 141) represent very different uses, as I shall show in Part II of my paper.